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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,526	10/25/2002	Craig Duray Brossman	BLD920010031	2143

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EXAMINER

ROHWER, JACOB P

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,526

Applicant(s)

BROSSMAN ET AL.

Examiner

Jacob P. Rohwer

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-6, 9-11 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6,888,641 to Koana, in view of US Patent No 6,453,129 to Simpson et al.

Regarding claim 6, Koana discloses an apparatus comprising:

a plurality of printers (**Fig 1 #201-203**), each having printer capabilities (**Col 4 Lin 47-52 and 59-65**) which vary from other printers in the environment; (**Col 5 Lin 56-59 discloses selection conditions that correspond to at least one of the plurality of printers, making the printer environments of the single printers in Koana different.**)

an information handling system (**Fig 1 #100**) communicating with said plurality of printers for selectively transmitting thereto specific print jobs (**Fig 1 #131, Fig 3 S140**), said information handling system having a processor (**Fig 2 #151**) and memory associated with said processor; (**Fig 2 #152 and #153**)

program instructions stored in said memory accessibly to said processor (**Fig 2 #153a**) and effective when on said processor to:

allow an operator to select for a specific print job a device independent set of desired printer options; **(Col 4 Lin 44-45 and Fig 3 S140 and Col 6 Lin 4-8, a printer is selected after an independent set of desired printer options are designated by the user.)**

retain a set of definitions of printer capabilities **(Fig 1 #131a)** for each of said plurality of printers; **(Col 4 Lin 53-65, the capabilities are stored in the hard disk, Fig 2 #154, Col 5 Lin 13-14)**

compare the operator selected options with a definition of printer capabilities and then **(Col 6 Lin 4-7)**

if the options are available within the defined capabilities, then convert the device independent options to printer specific commands; **(Col 6 Lin 30-32)** and

send the print job to a selected printer, which is responsive to the printer specific commands. **(Fig 3 S160)**

Koana teaches in a preferred embodiment that the print selection options are limited to options provided by the printers (Fig 1 #201-203, Col 5 Lin 56-67). However this is just a preferred embodiment and does not limit the invention. As a result, Koana does not expressly disclose that if the options are unavailable within the defined capabilities, then an error is signaled.

However, Simpson discloses a print system that accesses printer capability parameters to determine if the printer can print the document according to set parameters by the user **(Col 12 Lin 32-45)**, and if not an error message is sent to the display screen of the user's apparatus. **(Col 13 Lin 10-15)**

The Koana and Simpson Patents are combinable because they both come from the same field of endeavor relating to determining if a printer can provide accommodating capabilities set by a user for a specific print job.

At the time of the invention it would have been obvious to one of ordinary skill in the art, to use the error message in response to the inability to print the job according to set parameters as specified in Simpson, in the system comprising the selection of device-independent print options corresponding to a plurality of printers as specified in Koana.

The suggestion/motivation for doing so would have been to warn the user that the job couldn't be output according to the set parameters. In response if certain parameters are not important to the document, then the user can adjust the settings so that the document can be output.

Therefore, it would have been obvious to combine the Koana and Simpson Patents in order to obtain the invention as specified in claim 6.

Regarding claim 9, Koana further discloses the apparatus according to claim 6 wherein said program instructions when executing on said processor are further effective to incorporate into a printable format data file commands corresponding to the selected printer options for a selected printer. **(Col 4 Lin 64-65 discloses interpretable page description language capabilities for the printers and Col 6 Lin 30-32 discloses conversion according to a selected printer.)**

Regarding claim 10, Simpson further discloses the apparatus according to claim 6 wherein said program instructions when executing on said processor are further

Art Unit: 2625

effective to signal at least a selected one of c) a message indicating that the requested option capability exceeds to limits available to a printer which has a limited capability for the requested option. **(Col 13 Lin 12-17, printer does not currently have enough paper to complete the job and Col 12 Lin 36-42 determines the amount of paper to be used and output based on the user selected option of number of copies, by multiplying the number of copies times the amount of pages in the document.)**

Regarding claims 1, 4 and 5, please see rejections of claims 6, 9 and 10 above. Additionally the apparatus of claims 6, 9 and 10 performs the methods of claims 1, 4 and 5.

Regarding claims 11, 14 and 15, please see rejections of claims 6, 9 and 10 above. Additionally the Koana discloses a program. **(Fig 2 #153a)**

Claims 2-3, 7-8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koana and Simpson et al as specified in claims 1, 6 and 11 above, further in view of commonly known prior art at the time of the invention.

Regarding claims 7 and 8, the combination discloses in Koana the apparatus according to claim 6 wherein said program instructions when executing on said processor are further effective to store a plurality of definitions of printer capabilities **(Fig 2 #154, Col 5 Lin 13-14)**, and the stored definitions include command formats of the plurality of printers. **(Col 4 Lin 64-65 discloses interpretable page description languages according to the different printers of the apparatus specified in claim 6.)**

Although, Koana discloses three printers (**Fig 1 #201-203**), an environment of different print options unique to each printer (**Col 5 Lin 56-59**), and the interpretable page description language as mentioned above, Koana does not expressly disclose that at least two (claim 7) and at least three (claim 8) of the stored definitions are in differing command formats.

However, official notice is taken, that at the time of the invention it would have been obvious to one of ordinary skill in the art, to provide the user with a plurality of network printers that accept print jobs in two and three differing command formats, unique from other printers connected to the apparatus as specified in claim 6. The suggestion/motivation for doing so would have been to provide a printing environment that can output a specified job, according to differing command formats. This would allow a wider variety of output jobs.

Therefore it would have been obvious to combine Koana and Simpson with well known prior art in order to obtain the inventions as specified in claims 7 and 8.

Regarding claims 2 and 3, please see rejections of claims 7 and 8 above.

Additionally the apparatus of claims 7 and 8 performs the methods of claims 2 and 3.

Regarding claims 12 and 13, please see rejections of claims 7 and 8 above.

Additionally the Koana discloses a program. (**Fig 2 #153a**)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob P. Rohwer whose telephone number is 571-272-5509. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JR
5/11/06



MARK ZIMMERMAN
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